



12647 Olive Boulevard, Suite 410, St. Louis, MO 63141 • PHONE: (314) 576-1770

August 10, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Dear Administrator Wheeler,

On behalf of the American Soybean Association (ASA), I write regarding the timing of EPA's decision on a new conditional registration for the use of dicamba for over-the-top (OTT), post-emergent use on dicamba-tolerant (DT) crops. ASA represents all U.S. soybean farmers on domestic and international policy issues important to the soybean industry and has 26 affiliated state associations representing 30 soybean-producing states.

ASA recently learned of EPA's intent to publish its decision concerning a new conditional registration for dicamba for OTT, post-emergent use on DT crops at the end of October 2020. We are concerned by this timeframe and the adverse impacts it would likely have on growers for the 2021 growing season and potentially beyond. Many growers make planting decisions for the upcoming growing season in late August or September to capture the significant benefits in placing early seed and input orders and ensuring product availability. A registration decision at the end of October or later would force growers into the difficult position of choosing between forgoing these early planting decision benefits to wait for the clarity offered by EPA's registration decision; or making early planting decisions and assume the risk that EPA's registration decision may not meet their agronomical needs.

Compounding the matter, the Ninth Circuit Court's recent ruling vacating the registrations for three dicamba products has shaken the agricultural community's confidence regarding EPA's regulatory authority and the future availability of critically-needed crop protection tools. To minimize disruptions and offer the greatest certainty for America's soybean producers, we urge EPA to issue its registration decision for OTT, post-emergent use expeditiously – no later than early September.

#### **Availability of Dicamba for OTT, Post-Emergent Use**

Herbicide-resistant weeds are a very real threat to U.S. soybean producers and American agriculture broadly. An estimate from 2014 places the cost of herbicide-resistant weeds for U.S. producers at more than \$2 billion annually.<sup>1</sup> Importantly, costs of losing weed control options

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should not only be considered in terms of yield loss. Conservation practices – such a low or no-till soil management strategies that are better enabled by herbicide-tolerant (HT) crops and their companion chemistries – are diminished when weed populations develop herbicide resistance, resulting in increased soil erosion and greenhouse gas (GHG) emissions. A 2018 study found that when glyphosate-resistant weeds became prevalent in U.S. soybean fields, conservation tillage and no-till practices fell by 6.2 percent and 9.2 percent respectively, resulting in a cost of more than \$470 million in water quality and climate damages over a decade.<sup>2</sup>

We view the availability of dicamba for use on DT crops as a vital tool for many growers to help mitigate these herbicide-resistant weed pressures and maintain these important conservation practices. To gather a better understanding of how our members use dicamba, ASA recently conducted a survey of our Board of Directors from June 26-29, 2020 regarding their dicamba use experience during the 2020 growing season. While not necessarily representative of the entire U.S. soybean grower community, our survey did receive a 75 percent response rate, and we believe it helps to provide glimpse of the U.S. grower dicamba experience. Of the respondents who use DT soybeans, 89.7 percent indicated they use dicamba to manage weeds resistant to other herbicides.<sup>3</sup> When this response is considered in relation to the roughly 54 million acres of DT soybeans planted in the U.S. in 2019<sup>4</sup> (approximately two-thirds of the total 2019 U.S. soybean acres<sup>5</sup> and a 170 percent increase from the estimated 20 million acres of DT soybeans planted in 2017<sup>6</sup>), we see a picture emerge where dicamba serves as a popular, effective tool to control weeds resistant to other chemistries, saving U.S. growers hundreds of millions to billions of dollars in preserved yields and operating costs<sup>7</sup> and tens to hundreds of millions of dollars in preserved conservation benefits annually.

ASA recognizes that OTT, post-emergent dicamba use has not been without off-target difficulties since its introduction in 2016. We do not take these challenges lightly. ASA has been quick and eager to partner with EPA, the registrants, extension personnel, retailers, and other agricultural stakeholders to increase awareness of these risks and educate growers and applicators alike in how to minimize off-target risks. These stakeholder education efforts, coupled with label amendments by EPA and mandatory applicator training have had a demonstrable impact in mitigating these challenges, especially when compared to the significant increase in DT acres in production the last several years. Assuming the continued availability of

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the product for OTT, post-emergent use, ASA supports maintaining these efforts in the future to continue to minimize off-target risks.

To that end, ASA continues to support a new conditional registration for a duration longer than two years that makes available dicamba for OTT, post-emergent use, coupled with a practical, detailed label and assertive training for applicators to minimize off-target risks. The increasing pressures of yield-robbing weeds resistant to other herbicides necessitates that growers have continued access to dicamba and a broad array of other crop protection tools using a variety of mechanisms of action. Dicamba is not only directly beneficial for managing weeds. When used in conjunction with these other tools as part of a broader Integrated Pest Management (IPM) strategy, dicamba can help to minimize the risk of weed populations developing resistance to any one tool or technique, and allow farmers to continue to implement sustainable conservation practices. Moreover, the experiences gained from previous growing seasons and continued improvements to the label and training programs should allow for a longer-term registration beyond the historical two years. This would grant growers and other stakeholders increased predictability of product availability for future growing seasons – a serious challenge currently facing U.S. producers, which we discuss further below.

### **Grower Confidence & Benefits of Early Planting Decisions**

In addition to supporting a new, longer-term conditional registration, ASA also urges EPA to publish its registration decision expeditiously – no later than early September. Many growers will make their planting decisions for the 2021 growing decision by late August or early September, as there are significant economic and certainty benefits in doing so. Growing plans and seed and input supply chains are complicated and take months – in some cases years – to react to significant regulatory or market developments. Additionally, the uncertainty in rural America surrounding this registration decision has been heightened by Ninth Circuit’s recent ruling vacating the registrations for three dicamba products. An earlier registration decision by EPA could help to instill confidence in our agricultural communities that EPA stands by its work and will work to ensure much-needed crop protection tools will be available to growers.

The predictability benefit offered by an early and long-term registration decision would stay with growers for multiple years. As part of their IPM strategies, farmers must develop crop rotation plans for fields years in advance to best manage soil quality and minimize pest and disease pressures. As a Kentucky grower explains, “our crop plan isn’t a year-to-year thing; it’s something that we’ve mapped out for the next five years. This year’s crop is made; you’ve got to be thinking about next year’s crop and even the crops that are coming in behind it in the next two or three years.”<sup>8</sup> A grower can be placed in a terrible dilemma if they face significant weed resistance challenges, are anticipating access to certain products to manage those pressures, and then unexpectedly learn they will not be able to access or meaningfully use those tools. Their remaining options are to scramble to find potential replacement tools (a decision which could erode the efficacy of those tools and expedite weed resistance for future growing seasons); accept a certain degree of yield loss to weed pressures; or break their crop rotation plan, which

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often significantly exacerbates weed and other pest pressures for current and future growing seasons.

The timing and duration of EPA's registration decision related to the complicated seed and input supply chain logistics will also significantly impact growers. Seed companies must predict product availability and market demand years in advance to ramp up the volume of certain seed varieties to sufficiently supply hundreds of thousands of farmers seeking to commercially plant tens of millions of acres.<sup>9</sup> Additionally, when a grower places a seed order in August or September for an upcoming growing season, they will often have to simultaneously order inputs, such as crop protection tools or fertilizer, as well as arrange for custom seed treatment applications. These additional layers of intricacy add months to procurement timeframes. The logistics complications are so profound that retailers regularly provide growers significant discounts – sometimes 10 percent or higher – to place orders before mid-September compared to orders placed in February or March.<sup>10</sup> These incentives can save individual growers tens of thousands of dollars in input costs. Also of concern, if a grower waits for too long to place an order, preferred seed varieties or needed inputs may not be available due to limited supply.<sup>11</sup> However, if a grower faces significant weed resistance pressures and places great value on ensuring access to dicamba for use on DT crops to manage those challenges, they may choose to forgo these early order incentives to await an end-of-October registration decision, significantly weakening their economic viability.

Finally, we wanted to make you aware of the heightened anxiety surrounding this specific registration decision and EPA's broader registration activities, provoked by the recent Ninth Circuit ruling vacating the registrations for three dicamba products. In our recent ASA Board of Directors survey, 66.7 percent of respondents indicated they were extremely concerned by the ruling, with 92.9 percent expressing, to some degree, concern that the ruling would create a precedent that allowed for EPA's independent pesticide regulatory authority to be undermined or circumvented.<sup>12</sup> Again, we realize our sample size does not permit us to confidently extrapolate these results to the greater growing community. However, based on the countless apprehension-filled conversations we have had with our members and grower colleagues in the months following the Ninth Circuit ruling, we believe these results accurately capture the current mood of uncertainty in rural America surrounding the future availability of dicamba and other crop protection tools. An earlier, longer-term registration from EPA would go a long way in reaffirming grower confidence in EPA's regulatory process and expertise and the agency's intention to stand by their science and risk-based regulatory decisions, regardless of flawed, misguided judicial rulings.

To maximize the weed management and conservation benefits for our agricultural community and avoid the potential harms that would accompany a later registration decision, we encourage

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<sup>12</sup> American Soybean Association. Board of Directors Dicamba Survey.

EPA to expeditiously issue a registration decision allowing dicamba for OTT, post-emergent use on DT crops by early September. We also support a conditional registration duration longer than the historical two years, coupled with a practical, detailed label and assertive training for applicators that capitalizes on previous growing season experiences to minimize any risks of product use. These actions will grant farmers the certainty of product availability for future growing seasons and broaden the grower toolbox to enable productive, sustainable, responsible use for years to come.

We thank you for your work and attention to this important matter, and stand ready to assist EPA in these efforts as necessary and appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Gordon", with a long horizontal flourish extending to the right.

Bill Gordon  
President

CC: The Honorable Alexandra Dunn



September 21, 2020

TO: The Environmental Protection Agency & Office of Chemical Safety and Pollution Prevention

National security as it relates to our food supply is often taken for granted in our daily lives. Increased regulations on the farm industry with new herbicide labels and re-registrations have become too onerous. The rules and actions, as a result, of the Endangered Species Act (ESA) need to be moved back to an advisory position and not a controlling position as it relates to herbicide labels.

We believe that more balance and reliance on good science is needed to relax environmental regulations. The ESA and its current implementation on new herbicide labels has resulted in illogical and inconsistent rules and regulations. These rules confuse farmers and provide a huge dis-incentive for industry to invest in new innovations.

Recently, as the 9<sup>th</sup> circuit court vacated the dicamba labels based on FIFRA, the court cited that the court did not review the herbicide labels for the ESA. In other words, the owner may satisfy FIFRA and still have to come back to satisfy ESA.

Since being ratified in 1973, the scope and control of the ESA has been gradually and continually broadened and strengthened. These changes have taken away tools, increased regulation and rules, and removed incentives for innovation. We support administration efforts to reduce regulation and reign in the grasp of the ESA.

An example of this is the label for ALITE 27 herbicide on soybeans that was recently approved but only for use in a few select counties in some states. This label was restricted based on ESA provisions. At the same time, the same active ingredient (isoxaflutole) is labeled for use in corn as BALANCE FLEXX herbicide in all counties in those states which are limited with the ALITE 27 label. The ESA is onerous and causes economic and environmental challenges as it is implemented improperly.

When farmers are denied all the tools needed to operate effectively, efficiently, and responsibly, then production costs increase and the ability to offer a reliable domestic food supply decreases. When industry is denied market access by onerous, improper, and inconsistent regulation then innovation dries up.

Please move the ESA to an advisory position so that its control and reach over herbicide labeling and requirements on farmers is eliminated. Reducing regulation will improve national security as it relates to our food supply.

Sincerely,

Sonny Beck, CEO

Beck's Hybrids

[sonny@beckshybrids.com](mailto:sonny@beckshybrids.com)

317-753-7777 Cell

July 30,2020

The Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

As a farmer, I am certainly very concerned about the farmer's ability to control weed pressure in the growing crops of corn, soybeans and cotton. Since Xtendimax came into existence, my soybean fields have remained free of yield robbing weeds. It is the best tool that corn, soybean and cotton farmers have to control weed growth and and provide yield increases and harvest efficiency in agriculture. I certainly look to the EPA to keep Xtendimax as a tool for farmers in the United States to aid us in valuable tools available to keep American agriculture in a position that allows us economically to produce farm products efficiently and allows us to remain upon the cutting edge of agricultural technology. I look to the Environmental Protection Agency to understand the need for registration of Xtendimax to keep the United States grain farmer on the cutting edge of the farm economy which benefits the farmer, the consumer, the nation and the world in the endeavor to supply a reliable food source for the future.

Sincerely,

Louis Smither  
Platte County, Missouri farmer.

The real reason that this is important is that dicamba needs registration because it is still the best weed control that we have against weed pressure and having it as a tool when quad-stacked traits become available in roughly 2 more years it needs to be one of the products in the 'quad'. Multiple stacked traits will offer the farmers the best chance to combine a clean field and most of us have been in the weedy field business before.

Smither.

**\*\*Email the letter (as an attachment) to Derrick Bolen and Carrie Meadows, whose emails are below.**

[Bolen.Derrick@epa.gov](mailto:Bolen.Derrick@epa.gov)

[Meadows.Carrievicenta@epa.com](mailto:Meadows.Carrievicenta@epa.com)



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should not only be considered in terms of yield loss. Conservation practices – such a low or no-till soil management strategies that are better enabled by herbicide-tolerant (HT) crops and their companion chemistries – are diminished when weed populations develop herbicide resistance, resulting in increased soil erosion and greenhouse gas (GHG) emissions. A 2018 study found that when glyphosate-resistant weeds became prevalent in U.S. soybean fields, conservation tillage and no-till practices fell by 6.2 percent and 9.2 percent respectively, resulting in a cost of more than \$470 million in water quality and climate damages over a decade.<sup>2</sup>

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ASA recognizes that OTT, post-emergent dicamba use has not been without off-target difficulties since its introduction in 2016. We do not take these challenges lightly. ASA has been quick and eager to partner with EPA, the registrants, extension personnel, retailers, and other agricultural stakeholders to increase awareness of these risks and educate growers and applicators alike in how to minimize off-target risks. These stakeholder education efforts, coupled with label amendments by EPA and mandatory applicator training have had a demonstrable impact in mitigating these challenges, especially when compared to the significant increase in DT acres in production the last several years. Assuming the continued availability of

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Bill Gordon  
President

CC: The Honorable Alexandra Dunn



August 11, 2020

Ms. Alexandra Dunn  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency

Via Email: [dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)

Dear Ms. Dunn:

On behalf of the members of the American Seed Trade Association, I am writing to encourage EPA to publish new conditional registration decisions for dicamba for use in Engenia, FeXapan and XtendiMax soybean seed platforms as soon as possible. Dicamba has been used effectively and safely for decades; and thousands of farmers depend on it as a critical part of their weed control and resistance management programs. ASTA's over seven hundred member companies include family-owned, local and regional seed businesses which are already experiencing significant financial strain due to current market conditions. The existing state of regulatory uncertainty is adding to that burden. Any delay in an EPA decision on dicamba beyond the end of August or early September will further jeopardize our members' businesses and could hinder farmers' access to weed-control options for the coming year.

In 2020, farmers planted roughly 55-60 million acres of dicamba tolerant soybeans and cotton. Farmers need products like those listed above and others that can address increasingly challenging weed control and weed resistance issues which cost farmers billions of dollars each year. Local and regional seed companies prepare years in advance to bring seeds to the market. This seed production process includes breeding traits into elite varieties that can perform in different geographies and establishing and paying contracts with growers to produce seed more than a year in advance of marketing. This careful planning by our members is being upended by EPA's regulatory process.

Dicamba tolerant soybean seeds for the 2021 growing season will be harvested soon. Farmers have already begun pre-buying these seeds, a process that will be largely completed by October. It is easy to understand that without the approval from EPA for Engenia, FeXapan and XtendiMax, the value of these seeds will diminish, and our members will suffer drastic economic impacts. Furthermore, without timely action and a longer-term registration, EPA may inadvertently influence the competitive marketplace for soybean seeds. In order to ensure a robust soybean supply in 2021 and to minimize economic impacts on the seed industry during these already challenging times, we urge EPA to align its decision making with the realities of farmers' purchasing timeline.

Sincerely,

Andrew W. LaVigne  
President and CEO



July 27, 2020

Dear EPA Administrator Wheeler,  
Dear EPA Assistant Administrator Dunn,

We are writing you to encourage you to publish your New Registration Decisions regarding Engenia, FeXapan®, and XtendiMax® by August 31, 2020. We understand that you may be thinking of waiting until late October and that would be too late for our industry.

Farmers are now planning and making their decisions for which soybean trait and herbicide trait platforms they intend to use in the 2021 growing season and they are placing their seed orders accordingly.

As an example, here at Becks, we just returned from our initial Sales meetings in Iowa last week and by the end of all of our Field Shows August 31, 2020, 90% of our farmers will have made their decisions and placed their seed orders for 2021.

If farmers do not know what herbicides they can use in 2021, it creates a hardship for them and the entire herbicide supply chain which will also be waiting to produce the right chemistry for the 2021 season.

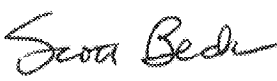
Secondly, because the Enlist DUO label was approved by the 9th district court while Dicamba was vacated, this creates an unnatural behavior situation in the marketplace. Weed control in the Midwest continues to be increasingly difficult due to weed resistant issues. We need to have several modes of action to help prevent development of these weed resistant issues. We need both Enlist Duo and the Dicamba technology.

Thirdly, we are concerned that the economic cost of the Endangered Species Act and its associated limits to new herbicide labels like Alite27 is far exceeding the benefit to the environment and society. We will be communicating with our legislators about the onerous nature of this act.


In summary, we request that you provide American farmers with all the herbicide tools they need to be successful in supplying reasonably priced food for the American people. Without the Dicamba based herbicide tools, many farmers' crops will be seriously injured because of poor weed control. Please rule favorably and quickly on the Dicamba Registrations.

Sincerely,

  
Sonny Beck  
CEO

  
Scott Beck  
President

Lindsey Frese



August 3, 2020

The Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Honorable Alexandra Dunn:

I am writing to you today in support of the American farmer and his/her freedom to operate using weed-controlling technology that is vital to accomplish both near- and long-term objectives. Low volatility dicamba herbicides like Xtendimax are extremely important for the most challenging weeds of our time including but not limited to water hemp, palmer amaranth and marehail. In the near term, the weeds in question when left to their own accord are horribly prolific in their seed production which can create mayhem in only one season. In the long term, if crop production innovations continue to be stifled by thinly-veiled, nefarious organizations then the productivity of our nation is at risk.

Having grown up on a farm in Illinois before the advent of biotechnology, I still recall manual weed control and inter-row cultivation as our primary means to reduce the yield-robbing effects of the primary weeds of yesteryear including velvet leaf, lambsquarters, cocklebur and sunflower. We do not want to return to these measures, but it appears that some special interest groups would prefer this alternative future. I have seen farms that were once thick with weeds become prosperous enterprises because of crop production innovation. Moreover, I have seen farming families rise up out of near-poverty conditions to become successful enterprises that benefit local economies. The progress I witnessed during my formative years is due in large part to weed control innovations.

I respectfully request that you consider this letter as a genuine message of concern and humility. We need your continued strong leadership to enable the American farmer to continue to be the foundation of our economy and the fabric of our nation. I very much appreciate all you have done and will continue to do to empower every farmer to be their best at providing safe and nutritious food for the world.

Sincerely,

Lindsey Frese

RESTRICTED

ED\_006409\_00078376-00015

August 5, 2020

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Wheeler,

We are writing you today as a coalition of interested agriculture groups in Georgia to encourage the timely registration decision of a vitally important tool to our farmers, Dicamba. While the crops are still in the field for 2020, Georgia's farmers will soon be making planting decisions for 2021 and will likewise be ordering seed and crop protection platforms. We ask that the Agency issue new, simple, and understandable registrations for the Dicamba products Xtendimax, Engenia, and FeXapan.

As the state's largest industry, agriculture is vitally important to the strength and stability of Georgia's economy. Cotton and soybean production play a large role in that strength. Weeds are the number one culprit for decreased yields in these row crops, and we are unaware of any chemistry that has produced the results achieved by the use of Dicamba. This herbicide has been extremely effective in producing positive yield results for growers, and we believe that a multi-year label is necessary for Georgia's agricultural economy to remain robust and continue thriving.

In partnership with the EPA, Georgia's applicator trainings have been effective in managing this technology and have nearly eliminated the concerns and issues expressed in other parts of the country. These programs, developed by the Georgia Department of Agriculture and University of Georgia Cooperative Extension, have effectively reduced pesticide drift complaints in our state by more than 77%. This reduction in drift issues is even more impressive when you consider the exponential increase in use of technology over the past five years. We believe that the rigorous training system in Georgia has raised the bar for similar trainings in other states. Our farmers, agriculture retailers, and applicators have not only made significant investments in Dicamba tolerant crops but have also made significant strides in the safe and productive use of the product.

We appreciate EPA's efforts to find a sensible solution to the difficult situation in which our farmers find themselves due to the unjust ruling of the Ninth Circuit Court of Appeals. We urge you to use all available resources to make a timely decision in favor of new labels for these vital products.

Sincerely,

Georgia Department of Agriculture  
Georgia Agribusiness Council  
Georgia Farm Bureau  
AgGeorgia Farm Credit  
Georgia Cotton Commission  
Georgia Plant Food Educational Society  
Georgia Crop Production Alliance



CC:

Senator David Perdue

Senator Kelly Loeffler

Congressman Austin Scott

Congressman Rick Allen

Congressman David Scott

Congressman Sanford Bishop

Congressman Buddy Carter



# Governor Pete Ricketts

*Growing Nebraska for the Next Generation*

September 21, 2020

The Honorable Andrew Wheeler  
Administrator, EPA  
1200 Pennsylvania Ave NW  
Mail Code: 1101A  
Washington, D.C. 20460

Dear Administrator Wheeler:

On behalf of Nebraska farmers and ranchers, I write today requesting a clear and decisive decision from the Environmental Protection Agency (EPA) for the new registrations for dicamba products Xtendimax, Engenia, and FeXapan.

Agriculture is Nebraska's number one industry and contributes \$21 billion to our state's economy. One in four Nebraska jobs is tied to agriculture and our farmers and ranchers utilize 92 percent of Nebraska's total land area for agriculture production and use.

While weather and other factors often cause unpredictable circumstances for producers, Nebraska farmers and ranchers work hard to control what they can control and that includes making decisions about planting and selecting seed varieties for next year's crop. These decisions are at the forefront of every producer's mind and play a large role in the success of Nebraska's farm and ranch families. The ability to utilize the most up-to-date information from the EPA is a key contributor to that success.

I understand the difficulty that exists in this situation but urge the EPA to provide clarity through a prompt and conclusive decision on registration of the dicamba products Xtendimax, Engenia, and FeXapan. Doing so will allow Nebraska farmers and producers to make key decisions for next year's growing season and for years to come.

Sincerely,

A handwritten signature in cursive script that reads "Pete Ricketts".

Pete Ricketts  
Governor of Nebraska

A handwritten signature in cursive script that reads "Steve Wellman".

Steve Wellman  
Director of the Nebraska Department of Agriculture

August 5<sup>th</sup>, 2020

From Austin Horn  
Area Business Manager, Bayer Crop Science  
14064 Hawthorn Drive  
Clive, IA 50325

To the Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

I am a proud citizen of the United States of American and of the State of Iowa. I have worked professionally within the Agriculture Industry for 12 years and I am an 11 year employee of legacy Monsanto and currently Bayer Crop Sciences. Thank you for your time to read my comments below. The recent court ruling that vacated the registrations of low-volatility formulations of dicamba (XtendiMax, Engenia, FeXapan) is a major problem for many reasons. Some of these reasons are directly related to the production of Soybeans in the U.S. and many reasons are larger and more indirectly related. With that preface, I humbly but adamantly implore the EPA to acknowledge relevant context, use common sense and empower the American Farmer, the United States and its National Security pillar of Food Security by approving the re-registration of low-volatility dicamba in the utmost expeditious manner. Let me provide my detailed thoughts below.

Based on the market research statistics I have seen and know, there were 50 million acres of Xtend Soybeans in the U.S. in 2020. In addition, the vast majority of U.S. Cotton Acres are XtendFlex which provides tolerance to dicamba also. It is the #1 trait platform in the U.S. for both crops. Of those acres, a large majority received a pass of low-volatility dicamba to control otherwise impossible to control weeds. Literally overnight, this technology was made illegal. Thankfully, the EPA allowed growers to continue applications until July 31<sup>st</sup>, 2020. Thank You. However, looking forward, the industry (growers, chemical retailers and applicators, manufacturers of seed and chemicals) are completely and totally unsure of the future of this technology and have to assume there is real risk that it won't be legal next year. This is prompting these parties to make significant changes to ensure they can get the next best option, knowing they could get burned by changing too fast or not changing fast enough to secure limited alternatives. However, alternatives are limited. The industry cannot meet its needs when the #1 platform (in terms of acres and effectiveness) is outlawed overnight. Speed is of the essence and approval of re-registration is the only acceptable outcome.

One of the most frustrating things of all of this is that dicamba is a molecule that has been around for decades and decades. We know it is widely used in soybeans, but it is one of the most used molecules in corn and has been growing in popularity for several years. The dicamba formulations sprayed in Soybeans are low-volatility formulations. All other formulations used in corn or elsewhere are inherently higher in their volatility profile. When you think about how Corn and Soybeans are planted in the Midwest, it is most often in a 50/50 rotation. That means a soybean field is more commonly next to a corn field than a soybean field. This means that many of the issues that have been hyped and by default pinned on low-volatility formulations being sprayed on soybeans and then drifting are actually

the result of high-volatility formulations of dicamba in corn. If dicamba is a problem, it is not because of low-volatility formulations. If anything were to be mandated, why not mandate that formulations would not be legal unless they were low-volatility? Ironically, we have allowed the formulations prone to and known to have volatility issues to remain in place and have outlawed the formulations that have addressed this antiquated notion about what dicamba can be and is.

One of the issues stated to have been addressed by the court ruling was that dicamba tolerant beans led to monopolistic practices. That is completely false. Check the data for market share. Monsanto used to enjoy 96% market share with their Roundup Ready Trait at their height. Now, the soybean trait market is more fragmented than it ever has been and has more formidable competitors than ever. But, apparently, the judges and the plaintiffs believe the way to address too few market leaders is to outlaw one more, paving the way for total dominance by the competitors with Enlist technology. This is obviously politics at play by activists who have no interest in the farming community. Will toxic politics or farmers needs determine what is best for farmers?

If one believes in the freedom of choice, no matter if you are talking about soybean herbicides or anything in general, Americans have traditionally had the freedom to choose what is best for them. That is quickly eroding on many fronts as arrogant politically motivated activists believe they know what is best for all and have no obligation to debate and respect other opinions. This is a blatant example of government overreach. With all the challenges farmers face controlling weeds and successfully and profitably producing a crop, they need more tools, not fewer.

The industry is fearful that dicamba will not be available for use in-crop in 2021. We will see what happens. It is important to note that Enlist One herbicide was also taken to court in the 9<sup>th</sup> Circuit to challenge its label. Ironically, and luckily for its owners and our industry, it escaped the same fate of label vacation. We were one judge away from having both of the two major herbicide platforms used to produce soybeans in the U.S. from being outlawed. Had that happened, it would have effectively outlawed the production of soybeans based on the current best practices. This could have greatly, and still will to a large degree, threaten our ability to reliably and economically produce the safest and cheapest food supply in the world for the world's leading economic and military power. This is a National Security issue.

Let's not let farmers again be collateral damage for political games. It is tough enough fighting China with farmers being caught in the middle. We don't need domestic political activist forces using them as pawns either. Again, I, on behalf of many voices inside and outside the industry, implore the EPA to make this label re-registration THE top priority and to approve this re-registration as soon as the number one top priority can be accomplished.

Best Regards,

Austin Horn

August 7, 2020

Ms. Alex Dunn  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Ave., N.W.  
Mail code 7101M  
Washington, D.C. 20460

Ms. Dunn:

On behalf of the undersigned organizations, I am writing to encourage the Environmental Protection Agency (EPA) to issue new registrations for the dicamba products Xtendimax<sup>®</sup>, Engenia, and FeXapan<sup>®</sup> as soon as possible. We request a multiple year registration that is simple, clear, and understandable. Our producers are in the process of making decisions for the 2021 crop year and need clarity before making purchasing decisions. Those decisions will be made in the very near future and a registration decision by August 31, 2020 is preferable.

We understand the challenges the agency is facing due to the recent decision of the 9<sup>th</sup> Circuit Court to vacate those registrations. We believe the court's decision was unfounded and that the current label restrictions are sufficient to properly use this technology, but we understand that the agency will need to address the issues raised by the court. In Mississippi, the additional training for dicamba application has been very successful and increased awareness for all pesticide applications.

Without the dicamba products, we are removing an additional crop protection tool that is critical to our weed resistance management programs. Multiple modes of action are necessary to prevent weed resistance from becoming a recurring and persistent issue. In addition, producers who are concerned about the ability to use dicamba are likely to shift technology for the upcoming growing season, potentially creating supply issues for their preferred seed.

Our producers have made significant investments in the dicamba tolerant trait crop. They rely on over-the-top use of the low-volatility formulations of dicamba to protect their crops from herbicide resistant weeds. We urge EPA to issue new registrations for the dicamba products as soon as possible.

Sincerely,

Mississippi Department of Agriculture & Commerce  
Mississippi Boll Weevil Management Corporation  
Mississippi Agricultural Consultants Association  
Mississippi Farm Bureau <sup>®</sup> Federation  
Mississippi Agricultural Industry Council  
Mississippi Corn Growers Association  
Mississippi Seedsmen's Association  
Mississippi Soybean Association  
First South Farm Credit  
Mississippi Land Bank  
Southern Ag Credit  
Delta Council  
Staplcotn

## Sarah J Dintelmann

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2 August 2020

The Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Honorable Alexandra Dunn,

I am writing to you today to express support for the American farmer and their freedom to operate by utilizing weed-control technologies that help them accomplish their short- and long-term goals. The use of low volatility dicamba products, such as Xtendimax, Engenia, and Fexapan, are crucial technologies for controlling troublesome weeds. Weeds such as waterhemp, palmer amaranth, and marestail are quickly evolving resistance to herbicide chemistries, and dicamba is one of many tools that can and should be used to fight herbicide resistant weeds. One plant can return hundreds, if not hundreds of thousands of seeds back to the seedbank for farmers to fight year after year. Tools that our farmers utilize cannot continue to be manipulated by groups that have little vested interest, or crop production in the United States will be at risk.

Very recently, I graduated from college with degrees in Crop Science and Agbusiness. While I was in school, my professors and mentors emphasized the importance of battling weeds that threatened crop production: giant ragweed, velvetleaf, cocklebur, and foxtail species in addition to waterhemp, palmer amaranth, and marestail. Through my internship opportunities and university experiences, I have seen farmers who have gone from dense stands of tough weeds to clean rows in a matter of a season due to herbicide technologies available to them. These technologies cannot be eliminated because of the financial and psychological impacts on farmers and the communities in which they reside. The continued innovations in herbicide technology have made it possible for farmers to not only produce more crops but have pride in the crops that they produce.

I respectfully request that you consider this letter as a genuine message of concern and humility. We need your continued strong leadership to enable the American farmer to continue to be the foundation of our economy and the fabric of our nation. I very much appreciate all you have done and will continue to do to empower every farmer to be their best at providing safe and nutritious food for the world.

Sincerely,

Sarah J Dintelmann

My name is Greg Jansen, I farm in west central Ill. I've been using Xtendamax for several years and am very pleased with the weed control it provides. I would hate to see this product taken off the market and would like to share some of my experiences.

My first experience was several years ago when the dicamba beans first came out. My neighbor planted them across the road from me. At that time we didn't know how potent it could be and how it can drift with the wind. There was only a couple acres affected so we just waited till harvest to see what the yield loss would be. The affected beans were about 6-8 inches shorter than the rest of the field. I watched the yield monitor ~~as~~ as we moved into the affected area and to my surprise there was no difference in yield. I started using dicamba myself after seeing the success people were having with it. I've had no

problems with drift as I always make sure the wind is in the right direction when I've sprayed.

I've even sprayed right next to my garden and yard containing flowers, tomatoes, green beans, cabbage, zucchini and pepper with no signs of damage. I think Dicamba gets blamed a lot when it's not even at fault.

personal case #1: My neighbor had Liberty Beans in his field next to me. His field was cupped all over it, some on one end as the other. It looked like dicamba damage, only thing is I saw anyone around had sprayed dicamba. The only spots in his field that weren't cupped or stunted was in the corners where he didn't get backed up far enough with his sprayer. Those beans looked perfect.

Case #2: A different neighbor told me he had dicamba beans next to mine. Luckily I sprayed when the wind was away from his so I later found out they were Liberty. There was no sign of damage till 11 days later when he sprayed his liberty beans. The next day the whole field cupped. Upon further inspection it



was the same thing, Beers in the corner where he didn't get backed far enough up were just fine. So was the row right next to mine where he didn't spray. You could tell he missed there spots as the weeds were healthy in the beans there also.

In summary I think Dicamba, (extendantax) is getting a bad rap. I would sure hate to loose the technology and the great weed control it provides.

Thank you  
Bry Janssen

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 2, 2020

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Mail Code: 1101A  
Washington, DC 20460

Administrator Wheeler:

As the Secretary of the Kansas Department of Agriculture, I ask the Environmental Protection Agency to reach a timely and judicious decision on the new registrations for the dicamba products Xtendimax®, Engenia, and FeXapan®.

Kansas agriculture contributes over \$46 billion annually to our state economy and is by far our largest industry. Agriculture is a critical part of Kansas' past and a key economic driver in the present, and it holds the potential to the state's future. With a combined number of 4.8 million acres, soybeans and cotton represent an important part of the state's agricultural economy. Unfortunately, weeds present real challenges to Kansas farmers and can result in significant reductions in yield if left untreated. These dicamba products are critical in allowing our farmers to achieve high yields and remain a viable part of the Kansas agricultural framework.

One of the most important decisions a farmer makes each year is determining what seed varieties and crop protection tools to select for the upcoming planting season. These decisions are being made now while the current crops are being harvested or ginned and result in significant investments for each farmer. Clear information from the EPA regarding the product labeling of these dicamba products will provide farmers clarity on which tools will be available for the upcoming season.

I recognize the complexities of the registration decision the EPA must make on the dicamba products Xtendimax®, Engenia, and FeXapan®, but ask that you reach this determination as promptly as possible so that Kansas farmers can make the important decisions that they are facing.

Sincerely,

Mike Beam  
Secretary  
Kansas Department of Agriculture

Barry Jacobson

July 31, 2020

The Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Honorable Alexandra Dunn:

I am writing to you today in support of the American farmer and his/her freedom to operate using weed-controlling technology that is vital to accomplish both near- and long-term objectives. Low volatility dicamba herbicides like Xtendimax are extremely important for the most challenging weeds of our time including but not limited to water hemp, palmer amaranth and marehail. In the near term, the weeds in question when left to their own accord are horribly prolific in their seed production which can create mayhem in only one season. In the long term, if crop production innovations continue to be stifled by thinly-veiled, nefarious organizations then the productivity of our nation is at risk.

Having grown up on a farm in South Dakota before the advent of biotechnology, I still recall manual weed control and inter-row cultivation as our primary means to reduce the yield-robbing effects of the primary weeds of yesteryear including velvet leaf, lambsquarters, cocklebur and sunflower. We do not want to return to these measures, but it appears that some special interest groups would prefer this alternative future. I have seen farms that were once thick with weeds become prosperous enterprises because of crop production innovation. Moreover, I have seen farming families rise up out of near-poverty conditions to become successful enterprises that benefit local economies. The progress I witnessed during my formative years is due in large part to weed control innovations.

I respectfully request that you consider this letter as a genuine message of concern and humility. We need your continued strong leadership to enable the American farmer to continue to be the foundation of our economy and the fabric of our nation. I very much appreciate all you have done and will continue to do to empower every farmer to be their best at providing safe and nutritious food for the world.

Sincerely,

Barry Jacobson

RESTRICTED

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# PROSEED

The Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Proseed is a regional seed company that sells soybeans, corn, sunflowers, and canola in North Dakota, South Dakota, and Minnesota. We have 150 dealers in that territory.

About 45% of the soybeans we sell are XTEND soybeans. We absolutely need to have the dicamba option available for our customers to use in as a chemistry option. We need to have as many tools in the toolbox as we can get for controlling weeds.

We support the new XtendiMax registration.

Thank you for your consideration

Keith Peltier

Proseed  
General manager  
1-701-341-1454  
Keith.peltier@proseed.net

September 4, 2020

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Wheeler,

On behalf of the undersigned organizations, we ask the Environmental Protection Agency (EPA) to reach a timely and judicious decision on the new registrations for the Dicamba products Engenia, FeXapan, and Xtendimax. We ask that these registrations be simple, clear and understandable so our farmers will have clarity on the availability of these important crop protection tools as they began making their planting decisions for 2021.

The industries of agriculture and forestry together have a total economic impact of over \$91 billion and provide more than 334,000 jobs in the Commonwealth, and are by far our largest industries. The Virginia Department of Agriculture and Consumer Services' (VDACS) 2019 Top 20 Virginia Commodities list indicates that soybeans and cotton alone are worth \$289 million for Virginia farmers. However, weeds present real challenges to our farmers and can result in significant reductions in yield and value if left untreated. These Dicamba products are critical in allowing our farmers to realize positive yields and remain a viable part of our agricultural economy.

We understand that the June 3 decision by the 9<sup>th</sup> Circuit Court was unprecedented and presented serious challenges to farmers during the height of the growing season but also to your agency whose authority was challenged by this decision. We encourage EPA to remain steadfast in carrying out the duties it was tasked with by Congress through the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The Commonwealth of Virginia takes great pride in our robust pesticide education and pesticide stewardship programs that are developed by VDACS and the Virginia Cooperative Extension Service. Virginia pesticide applicator certification training program has proven very effective in preventing incidents of drift resulting from Dicamba and other auxin herbicides. Our applicators also understand that effective weed control involves using a variety of modes of action to address and avoid resistance, including the OTT use of Dicamba products.

Farmers are beginning to make some of the most important decisions that they will make all year by selecting what seeds they plant and what crop protection tools they will use to treat their

crops. These choices result in significant investments and farmers need to have clarity before such decisions are made.

We understand the complexities of the registration decision EPA must make on the Dicamba products Engenia, FeXapan, and Xtendimax, but we ask that you reach this decision as expeditiously as possible so that our farmers can make the important decisions that they are also facing.

Sincerely,

Virginia Farm Bureau Federation  
Virginia Agribusiness Council  
Virginia Cotton Growers Association  
Virginia Crop Production Association  
Virginia Farm Credit Associations  
Virginia Golf Course Superintendents Association  
Virginia Grain Producers Association  
Virginia Nursery and Landscape Association  
Virginia Soybean Association  
Northern Virginia Nursery and Landscape Association

To: The Honorable Alexandra Dunn

Assistant Administrator, Office of Chemical Safety and Pollution Prevention

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

From: Karl Nesse

Certified Crop Adviser/Independent Crop Consultant  
17797 120<sup>th</sup> Street Brownton, MN 55312

Subject: Do Not re-approve Xtendimax/Engenia/Fexapan/Tavium Herbicide Labels

As an independent crop consultant, I scout approximately 500 fields each week as well as the fields that I have an awareness of practices or provide partial services on in my community. Over the past few years we have seen the repeated problem of dicamba leaving soybean fields where these so-called low volatility dicamba formulations have been applied. In my estimation, nearly every time that I have seen these products used there is at least a small amount of off target movement. Whether it is affecting adjacent soybean fields or native plants/pollinator habitat during the time after soybean post application it is extremely easy to find plants or crops that are negatively affected by this product. Even when used according to the label this product is unable to be controlled much more often than is reported to the MN Dept of Ag or EPA. As I scouted this summer I noted that 95% of my non-xtend traited soybeans displayed the characteristic dicamba damage symptoms with the few exceptions being extremely sheltered fields. While not 100% of this damage came out of dicamba resistant soybean spraying, a significant portion of it did. I make this statement as a subject matter expert and a trained agronomist.

As a result of this, our non-dicamba soybeans leaf canopy is greatly diminished and weed control has suffered as a result. Many of my farmer clients have expressed great reluctance to plant non-dicamba soybeans due to this fact. They make statements like: "I have to play defense from the neighbors spraying" "I don't want my beans all puckered up (puckering is the generic term for dicamba damage)" To me this is a great injustice that a product is more or less plant it or regret it because if you don't use it you will be damaged by it. This is also used as a sales pitch by the guys selling the RRXtend crop system seeds, while not an organized effort to my knowledge I have heard it used as a reason to plant them. "The neighbors are all Xtend, you better get on board".

In their current form, these products do not work as advertised and at a minimum need much further independent study. I hate having to advocate against weed control tools when we are pressed up against the wall with resistant weeds but it is not environmentally sound, socially sound, or good for anyone to have products that can physically pick up and leave the field hours after being sprayed (volatization).

This article by a well respected weed scientist and professor has some great points: <https://crops.extension.iastate.edu/blog/bob-hartzler-prashant-jha/dicamba-2020-what-went-wrong-iowa>





August 4, 2020

The Honorable Alexandra Dunn  
Assistant Administrator, Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Ms. Dunn,

I am writing you today to express my support for the registration of Xtendimax herbicide. I have worked in the seed industry for more than 20 years, for companies like Monsanto (now Bayer), Pioneer (now Corteva), and Latham Hi-Tech Seeds. Through my seed business experience in the United States and dozens of other countries, I have seen the consumer and farmer benefits of herbicides and herbicide tolerant technology.

Farmers tell us that they benefit when they have more options. In this case, more options for fighting weed resistance, especially with glyphosate resistant weeds like water hemp and palmer amaranth. Xtendimax is very effective against these tough, glyphosate resistant weeds. And when used according to the label we know it is a safe and effective weed management program.

There are very few new crop protection chemicals and soybean traits being created, so we know that we need to be great stewards of the technology we have. And finally, the farm economy and ag industry has been especially tough over the past several years with depressed commodity prices. Farmers need to take advantage of these new technologies to increase and protect their yields, and to control costs if they hope to make a profit.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ryan Schon". The signature is written in a cursive, flowing style.

Ryan Schon  
General Manager  
Latham Hi-Tech Seeds

**Congress of the United States**  
**Washington, DC 20515**

June 5, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, D.C. 20460  
Sent via electronic mail

Administrator Wheeler:

We write to you regarding the June 3, 2020 decision by the United States Court of Appeals for the Ninth Circuit to immediately vacate the registration of three dicamba products (Xtendimax, Engenia, and FeXapan) during the height of the application season. Your prompt attention to this matter is appreciated.

Illinois is the largest soybean producing state in the nation, and thousands of farmers use dicamba to ensure their crop reaches its maximum yield potential. This ruling comes at the height of the dicamba application season and has created chaos amongst farmers and manufacturers. The Court has not considered the consequences of their decision to immediately prohibit the use of dicamba, including the millions of dollars spent by soybean farmers on this product.

Many producers across Illinois made specific plans to apply dicamba to protect their soybeans from post-emergent weeds, such as water hemp. Manufacturers produced dicamba to fit the needs of producers and passed the product down the supply chain to retailers that stocked their inventory for farmers to purchase. Retailers are facing overstocked warehouses of an unusable product and will likely not have sufficient supplies of alternative product to ensure farmers have the ability to protect their crop.

We urge you to immediately appeal this federal court ruling and request a stay of the court order. If a stay is placed on the decision, producers will be able to continue to apply their remaining stocks of dicamba and not have to alter their plans to protect their soybean crop. Additionally, we request that the Environmental Protection Agency (EPA) issue an existing stocks order to provide appropriate guidance to farmers and applicators, including a Section 18 Emergency Use authority for Illinois farmers.

Soybean farmers in Illinois are counting on the EPA to stand with them and ensure that they will be able to continue to use dicamba during the 2020 planting season. The decision by the Court has caused undue chaos for producers already facing adversities due to market volatility and COVID-19. Thank you for your urgent consideration of our request to help assist soybean growers throughout Illinois. If you have any further questions regarding this, or any other matter, please do not hesitate to contact us.

Sincerely,



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Mike Bost  
Member of Congress



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John Shimkus  
Member of Congress



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Darin LaHood  
Member of Congress



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Adam Kinzinger  
Member of Congress



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Rodney Davis  
Member of Congress

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CYNTHIA AXNE, IOWA

U.S. House of Representatives  
Committee on Agriculture  
Room 1301, Longworth House Office Building  
Washington, DC 20515-6001

(202) 225-2171

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DUSTY JOHNSON, SOUTH DAKOTA  
JAMES R. BARRD, INDIANA  
JIM HAGEDORN, MINNESOTA

ANNE SIMMONS,  
STAFF DIRECTOR  
MATTHEW S. SCHERTZ,  
MINORITY STAFF DIRECTOR

June 5, 2020

Administrator Andrew Wheeler  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wheeler,

I am writing concerning the recent ruling issued by the United States Court of Appeals for the Ninth Circuit, regarding the use of three dicamba products for use on dicamba-tolerant (DT) soybeans and cotton.

These products are critically important to farmers for weed control, particularly soybean growers in my district, and the court's decision comes after crops are in the ground and crop protection decisions have already been made. Given the uncertainty and the challenges these growers faced in the last growing season and continue to face now, I encourage the EPA to use its flexibilities to allow the continued use of existing stocks of dicamba products already purchased for the 2020 crop year.

I look forward to continuing to work with your office to address this important issue.

Sincerely,



Collin C. Peterson



October 16, 2020

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001

**Re: Agriculture Relies on Crop Protection Tools (*Dicamba Formulations for Use on Dicamba-Tolerant Cotton and Soybean*)**

The National Association of State Departments of Agriculture (NASDA) and the Association of American Pesticide Control Officials (AAPCO) submits the following comments on the U.S. Environmental Protection Agency's (EPA) registration review for new uses on herbicide-tolerant cotton and soybeans.

**I. About NASDA**

NASDA represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. State departments of agriculture are responsible for a wide range of programs including food safety, combating the spread of disease, and fostering the economic vitality of our rural communities. Conservation and environmental protection are also among our chief responsibilities.

In forty-three states, the state department of agriculture is a co-regulator with EPA and responsible for administering, implementing and enforcing the production, labeling, distribution, sale, use and disposal of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

**II. About AAPCO**

The Association of American Pesticide Control Officials (AAPCO) was formed in 1947, the same year that Congress enacted the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). AAPCO is a professional association comprised of the officers charged by law with the execution of the state, territorial, provincial, and federal pesticide laws in the United States, including all its territories, and in Canada. The Environmental Protection Agency (EPA) and States are co-regulators in the implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Our mission is to represent state pesticide control officials in the

development, implementation, and communication of sound public policies and programs related to the sale, application, transport, and disposal of pesticides.

### **III. General Comments**

Crop protection tools are an important component within many agricultural crop production systems. NASDA and AAPCO are intimately familiar with EPA's rigorous, scientific evaluation and review process for all crop protection tools under FIFRA. NASDA and AAPCO support the development, scientific review, and approval of new technologies and uses, such as products for dicamba-tolerant crops, to enable growers to combat growing weed-resistance challenges and produce our nation's food, fiber, and fuel.

**Importance of Crop Protection to Agriculture.** Our members work closely with farmers and we know that dicamba is a critical crop protection tool widely used in agriculture for controlling broadleaf weeds in various integrated weed management strategies. For example, in 2019 it was reported that there were about 58.5 M acres of dicamba-tolerant soybeans and cotton, and about 60% of those acres (35 M) were treated with dicamba at least once. Producers rely on these technologies in their future planning decisions. Given the recent legal actions surrounding these technologies farmers are in need of continuity and certainty that their upcoming seed purchases will have corresponding technologies available.

**Importance of a Rigorous Registration Process.** Notwithstanding the successful use of these products, our members appreciate the rigor and validity of EPA's FIFRA and science-based registration review process. We appreciate that EPA will have a decision regarding extension of registration of these products by late this year. NASDA and AAPCO also support that EPA will continue to coordinate with us to clarify label interpretations and regulatory oversight for dicamba applications in the future.

As co-regulators with EPA, this coordination and state flexibility is critical for the successful use of any crop protection product. States need the continued ability to implement possible requirements and restrictions under FIFRA Section 24(c) registrations. These registrations allow states to address geographic and local conditions needed for the successful use of certain products, while also providing the best selection of crop protection tools for growers. NASDA and AAPCO believe that providing a wide range of crop protection options to American farmers and ranchers is essential to their economic viability.

Our growers face constant pressures ranging from weather conditions, pest stressors, herbicide resistance issues, and a myriad of other challenges. All crop protection tools must continue to be available in the farmer's toolbox, following EPA-registration and a determination of safe when used according to the label. It is essential to American agriculture that EPA execute its authorities and responsibilities in a timely manner

consistent with the Agency's robust science-based registration and review process to ensure farmers have access to a broad range of new technologies and modern crop protection tools to continue to produce our nation's food, fiber, and fuel.

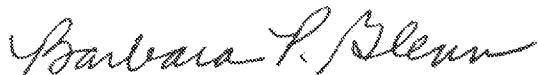
#### **IV. Conclusion**

NASDA and AAPCO appreciate the opportunity to comment on this important issue. We support EPA's registration review of these dicamba formulations, which are used in combination with dicamba-tolerant cotton and soybeans, consistent with the Agency's well-established registration review process under FIFRA.

As regulatory partners with EPA, we stand ready to assist EPA in ensuring our growers have access to a broad range of technologies and crop protection tools, reviewed and approved in a scientifically sound and transparent manner, needed to continue to produce our nation's food, fiber, and fuel.

Please contact ([barb.glenn@nasda.org](mailto:barb.glenn@nasda.org)) or ([Reedla@purdue.edu](mailto:Reedla@purdue.edu)) if you have any questions or would like any additional information.

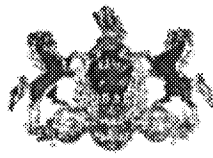
Sincerely,



**Barbara P. Glenn, Ph.D.**  
*Chief Executive Officer*



**Leo A. Reed**  
*AAPCO, President*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF AGRICULTURE

October 14, 2020

Ms. Alex Dunn  
Assistant Administrator for the Office of Chemical Safety and Pollution Prevention  
U.S. EPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Ave., N.W.  
Mail code 7101M  
Washington, D.C. 20460

Ms. Dunn:

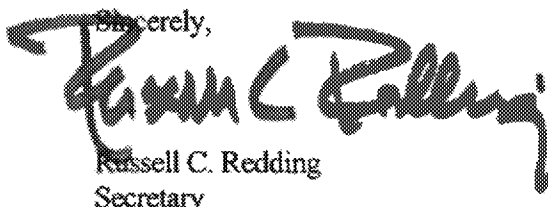
On behalf of Pennsylvania's farmers, I urge the Environmental Protection Agency to come to a timely decision regarding conditional registration of the dicamba products Xtendimax®, Engenia, and FeXapan®.

As per PennAg Industries Association, Pennsylvania farmers grew 620,000 acres of soybeans in 2019. 28,890,000 bushels were produced, valued at \$252,571,000. This represents a significant portion of Pennsylvania's total agricultural output. While Pennsylvania has not experienced the same number of drift cases plaguing some parts of the country, we are aware of the issues surrounding this chemistry and encourage and promote responsible use and application of all registered pesticides. The department encourages growers to sign up for FieldWatch, a free, voluntary program that allows participants to register their land to protect it from chemical drift. FieldWatch was endorsed for use in Pennsylvania by the PA Pesticide Advisory Board and promotes communication between sensitive crop producers, beekeepers, and pesticide applicators, and will allow them to map fields or pollinator gardens using a software program.

As our farmers are making decisions regarding the 2021 growing season, they need to know what weed control options are available to them. Pennsylvania Department of Agriculture requests that the decision on conditional registration for the aforementioned dicamba products be made as swiftly as possible, while considering the best available science. The continuing regulatory uncertainty surrounding these dicamba products is harming trust in our institutions' review processes and making management decisions impossible for growers.

On behalf of our farmers and the agriculture industry, I request EPA come to a swift and measured decision regarding the future of Xtendimax®, Engenia, and FeXapan®. Pennsylvania growers need to know what their options will be for the coming years.

Sincerely,



Russell C. Redding  
Secretary